

SECTION 10: THE STATE AGENCY

10.01 DESIGNATION

The Office of Elder Services (formerly the Bureau of Elder and Adult Services) in the Maine Department of Health and Human Services (DHHS) is the designated State Agency (SA) responsible, under the direction of the Commissioner of the Department of Health and Human Services, for planning, coordination and implementation of activities in the State pursuant to:

Older Americans Act of 1965, 42 USCS §3001 et. seq. as amended; and

Title 18-A M.R.S.A., Article V, Part 6

Title 22 M.R.S.A. c. 1451, 1453, 1457, 1501, 1503, 1505, 1621 and 1623

Title 22 M.R.S.A. c. 958-A

Title 22 M.R.S.A. c. 103-A

Title 22-A M.R.S.A. c. 1

Title 24-A c. 73

10.02 POLICIES OF THE OFFICE OF ELDER SERVICES

Policies set forth herein apply to all grants and contracts awarded by the Office of Elder Services. This manual was written in compliance with the laws and regulations stated above. All grantees and contractors are responsible for assuring their programs comply with those statutes as well as the laws and regulations set forth below. In addition, grantees and contractors also may be required to comply with other guidelines and materials issued by the Department.

- (A) Factual and Policy Basis. The policies in this manual are based upon authority and requirements conferred by, and should not in any way be interpreted to abridge or circumvent Federal and State laws and regulations, including the following:
- (1) Public Law 89-73 Older Americans Act of 1965, as amended.
 - (2) Title 45 of the Code of Federal Regulations:
 - Part 16 - Procedures of the Departmental Grant Appeals Board;
 - Part 74 - Administration of Grants;
 - Part 80 - Nondiscrimination under Programs receiving Federal Assistance through the Department of Health and Human Services: Effectuation of Title VI of the Civil Rights Act of 1964;
 - Part 81 - Practice and Procedure for Hearings under Part 80 of this Title;
 - Part 84 - Nondiscrimination on the Basis of Handicap in Programs and activities receiving Federal Financial Assistance; and
 - Part 90 - Nondiscrimination on the Basis of Age in programs or activities receiving federal financial assistance; and
 - Part 100- Intergovernmental Review of Department of Health and Human Services Programs and Activities;
 - Part 1321 - Grants to State and Community Programs on Aging.
 - (3) Title 5 of the Code of Federal Regulations, Part 900, Subpart F, Standards for a Merit System of Personnel Administration.
 - (4) The Privacy Act, 5 U.S.C.A. Section 552a.

- (5) The Freedom of Information Act, 5 U.S.C.A. Section 552.
 - (6) Section 504 of the Rehabilitation Act, 29 U.S.C.A. Section 794.
 - (7) Freedom of Access Law, 1 M.R.S.A.c.13.
 - (8) Omnibus Budget Reconciliation Act of 1981, Title XX of the Social Security Act, Block Grant to States for Social Services, 42 U.S.C.A. Section 1397.
 - (9) Title XIX of the Social Security Act as amended; 42 U.S.C.A. Section 1396 et seq.
 - (10) Public Law 104-91, The Health Insurance Accountability and Portability Act of 1996.
 - (11) Maine Uniform Accounting and Auditing Practices Act for Community Agencies Title 5, Chapter 148-C.
 - (12) OMB A-87, Cost Principles for State and Local Governments.
 - (13) OMB A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations, Issued November 29, 1993.
 - (14) OMB A-122, Cost Principles for Non-Profit Organizations.
 - (15) OMB A-133, Audits of State, Local Governments and Other Non-Profit Institutions, Issued April 30, 1996.
 - (16) OMB A-21, Cost Principles for Educational Institutions.
 - (17) Office of Elder Services' Fiscal Policy and Procedures Manual and any revision thereto.
- (B) **Policy Manual Changes.** Before implementation, all proposed changes to this policy manual other than a waiver or modification made pursuant to Section 40.09 of this policy manual must be:
- (1) Approved by the Commissioner, Department of Health and Human Services;
 - (2) Approved by the Department of the Attorney General;
 - (3) Issued pursuant to the Administrative Procedures Act as required under Title 5 M.R.S.A. c. 375 and 377-A.

10.03 ALLOCATION OF FUNDS

- (A) Title III Funds.
- (1) Title III Funds, Parts B, C, and E. The Office of Elder Services shall reserve portions of Title III funds for state plan administration, Ombudsman programs, health and nutrition education and other programs as required by the Older Americans Act. Title III funds, Parts B, C, and E, allocated to each AAA will be allocated using the Intrastate Funding Formula, described in Section 10.04(A), as required by the Older Americans Act. From Title III Part B funds, each AAA will expend the minimum required percentages stipulated in the Office of Elder Services State Plan for access, legal, and in-home services.
 - (2) Title III Funds, Part D. The Office of Elder Services shall allocate Title III, Part D, to each AAA using the Title III Funds, Part D, Formula described in Section 10.04(B), as required by the Older Americans Act.

- (B) Priority Social Services Program (PSSP). These State funds for elderly services are appropriated to the Office of Elder Services and will be allocated to each AAA using a the PSSP funding formula described in Section 10.04(C).
- (C) Title V - Senior Community Service Employment Program (SCSEP). Funds will be allocated considering mandated equitable distribution as required by Federal regulations, quality of employment and training services, and individual sponsor commitment to unsubsidized placement activity.
- (D) Nutrition Services Incentive Program (NSIP) Funds. AAA's will receive an appropriation of NSIP funds based upon their percentages of eligible meals.
- (E) Alzheimer's Respite Funds. Funds available for services are allocated among the five Planning and Service Areas using the-intrastate funding formula. Unexpended funds may be reallocated by the Office of Elder Services.
- (F) Volunteer Services Funds. Funds allocated for National Senior Service Corporation (NSSC) will be divided equally among Maine's NSSC programs.
- (G) Adult Day Care. Funds for Adult Day Care will be paid to licensed providers on a reimbursement basis, subject to the availability of funds.
- (H) Home Based Care. Funds will be awarded using a Request for Proposal (RFP) process. The RFP will be issued on a five year cycle, unless Office of Elder Services determines there is a need to issue an RFP earlier.
- (I) Independent Housing with Services Program. Funds appropriated will be allocated using a Request for Proposal process. They are subject to reallocation based on program needs.
- (J) Planning, Administration, and Coordination (PAC). Funds allocated for PAC will be evenly divided among the five AAA's.
- (K) State Health Insurance Assistance Program (SHIP). The Office of Elder Services shall reserve a portion of SHIP funds for administration, training, printing, and Legal Services for the Elderly. SHIP funds allocated to each AAA will be allocated using the Intrastate Funding Formula, described in Section 10.04(A).

10.04 FUNDING FORMULAS (effective for agreements ending 6/30/06)

- (A) The Intrastate Funding Formula.

 - (1) For purposes of developing the Intrastate Funding Formula the following definitions apply:

 - (a) Greatest Economic Need - people with incomes at or below poverty level as defined by the Office of Management and Budget.
 - (b) Greatest Social Need - people requiring assistance with personal care and mobility and non-English speaking people who might have greater difficulty in obtaining services.

- (c) Minority - people of American Indian, Alaskan Native, Asian, Pacific Islander, Black or Hispanic descent.
- (2) Title III Part F funds will be allocated to AAA's on the basis of the proportion of Maine's total Part F target population in the Planning and Service Area's Medically Underserved Areas (MUAs), based upon 1990 Census data. The target population includes the uninstitutionalized population living in MUAs who are:
 - (a) 65 years of age and older with Mobility and Self-Care Limitations; plus,
 - (b) those 60 years of age and older with incomes below poverty.
- (3) The following definitions apply to symbols used in this part of the Intrastate Funding Formula used for allocating Title III Part B and C funds:
 - (a) B\$ means the total dollars available under Title III B for distribution to AAA's.
 - (b) C\$ means the total dollars available under Title III C for distribution to AAA's.
 - (c) 60+ means the total number of people 60 and over in Maine.
 - (d) EN60 means the total number of people 60 and over who are in the greatest economic need in Maine.
 - (e) SN60 means the number of people 60 and over who are in the greatest social need in Maine.
 - (f) M60 means the number of minority people 60 and over in Maine.
 - (g) A:60+ means the number of people 60 and over in the AAA's PSA.
 - (h) A:EN60 means the number of people 60 and over who are in the greatest economic need in the AAA's PSA.
 - (i) A:SN60 means the number of people 60 and over who are in the greatest social need in the AAA's PSA.
 - (j) A:M60 means the number of minority people 60 and over in the AAA's PSA
 - (k) #AAA's means the number of designated AAA's in Maine.
 - (l) * means multiplied by.
- (4) A AAA's Title III allocation will be equal to:

$$\begin{array}{l}
 \frac{(.18 * B\$)}{\#AAA's} + \frac{A:60+ + A:M60 + A:SN60 + A:EN60}{60+ + M60 + SN60 + EN60} * (.82 * B\$) \\
 \text{PLUS} \\
 \frac{(.18 * C\$)}{\#AAA's} + \frac{A:60+ + A:M60 + A:SN60 + A:EN60}{60+ + M60 + SN60 + EN60} * (.82 * C\$)
 \end{array}$$
- (5) The Intrastate Funding Formula must be updated periodically in a manner consistent with the Older Americans Act and 45 CFR Part 1321.
- (B) Long Term Care Formula. The Long Term Care Funding Formula allocates funds on the basis of the proportion of the target population in the Planning and Service Area

based on 1990 Census data. The target population includes the uninstitutionalized population:

- (1) 65 years of age and older having Mobility or Self-Care Limitations; plus
- (2) 65 years of age or older with incomes below poverty.

10.04 FUNDING FORMULAS¹ (effective for agreements beginning 7/1/06)

(A) The Intrastate Funding Formula.

- (1) For purposes of developing the Intrastate Funding Formula the following definitions apply:
 - (a) Greatest Economic Need - people with incomes below 100% of the federal poverty level.
 - (b) Greatest Social Need - people with a disability and people speaking English “not well” or “not at all” who might have greater difficulty in obtaining services.
 - (c) Minority – non-white people of the following races: Black or African American, American Indian, Alaskan Native, Native Hawaiian, or Other Pacific Islander.
 - (d) Rural - territory, population and housing units not classified as urban. Urban is all territory, population and housing units in urbanized areas and in places of more than 2,500 persons outside of urbanized areas. “Rural” and “Urban” classification cuts across other hierarchies and can be in metropolitan or non-metropolitan areas. Metropolitan refers to those areas surrounding large and densely populated cities or towns. Urbanized area refers to an area consisting of a central place(s) and adjacent territory with a general population density of at least 1,000 people per square mile of land area that together have a minimum residential population of at least 50,000 people.
 - (e) Rural-Geographic Weighted Factor - the number of persons age 60 and over living in a rural area, multiplied by the total area in square miles weighted at 5%.
 - (f) Disability – people with a long-lasting physical, mental, or emotional condition. This condition can make it difficult for a person to do activities such as walking, climbing stairs, dressing, bathing, learning, or remembering. This condition can also impede a person from being able to go outside the home alone or to work at a job or business.
- (2) The following definitions apply to symbols used in this part of the Intrastate Funding Formula used for allocating Title III Part B, C, and E funds:
 - (a) B\$ means the total dollars available under Title III B for distribution to AAA's.

¹ Unless the context indicates otherwise, the data and the federal poverty level used to compute the Intrastate Funding Formula, the Part D Formula, and the PSSP Formula are found in the U.S. Census Bureau, Census 2000. www.census.gov/census2000/states/me.html

- (b) C\$ means the total dollars available under Title III C for distribution to AAA's.
- (c) E\$ means the total dollars available under Title III E for distribution to AAA's.
- (d) 60+ means the total number of people 60 and over in Maine.
- (e) 75+ means the total number of people 75 and over in Maine.
- (f) EN60 means the total number of people 60 and over who are in the greatest economic need in Maine.
- (g) SN60 means the number of people 60 and over who are in the greatest social need in Maine.
- (h) M60 means the number of minority people 60 and over in Maine.
- (i) R60 means the total number of people 60 and over who live in rural area in Maine.
- (j) RGW60 means the total number of people 60 and over who live in rural area in Maine multiplied by total area in Maine in square miles and multiplied by 5%.
- (k) A:60+ means the number of people 60 and over in the AAA's PSA.
- (l) A:75+ means the number of people 75 and over in the AAA's PSA.
- (m) A:EN60 means the number of people 60 and over who are in the greatest economic need in the AAA's PSA.
- (n) A:SN60 means the number of people 60 and over who are in the greatest social need in the AAA's PSA.
- (o) A:M60 means the number of minority people 60 and over in the AAA's PSA.
- (p) A:R60 means the number of people 60 and over who live in rural area in the AAA's PSA.
- (q) A:RGW60 means the number of people 60 and over who live in rural area in the AAA's PSA, multiplied by AAA's percentage of total area in square miles, and multiplied by 5%.
- (r) #AAA's means the number of designated AAA's in Maine.
- (s) * means multiplied by.

(3) A AAA's Title III B, C, and E allocation will be equal to:

$$\frac{(.10*B\$)}{\#AAAs} + \left[\left(\frac{A:60+ + A:75+ + A:M60+ + A:SN60 + A:EN60 + A:R60 + A:RGW60}{60+ + 75+ + M60+ + SN60 + EN60 + R60 + RGW60} \right) * (.90*B\$) \right]$$

PLUS

$$\frac{(.10*C\$)}{\#AAAs} + \left[\left(\frac{A:60+ + A:75+ + A:M60+ + A:SN60 + A:EN60 + A:R60 + A:RGW60}{60+ + 75+ + M60+ + SN60 + EN60 + R60 + RGW60} \right) * (.90*C\$) \right]$$

PLUS

$$(.10*E\$) + \left[\frac{A:60+ + A:75+ + A:M60+ + A:SN60 + A:EN60 + A:R60 + A:RGW60}{60+ + 75+ + M60+ + SN60 + EN60 + R60 + RGW60} * (.90*E\$) \right]$$

Office of Elder Services Policy Manual

Section 10

The State Agency

Effective July 1, 2006

#AAAs $\left[\left(\text{60+} + \text{75+} + \text{M60+} + \text{SN60} + \text{EN60} + \text{R60} + \text{RGW60} \right) \right]$

- (4) The Intrastate Funding Formula must be updated periodically in a manner consistent with the Older Americans Act 45 CFR Part 1321, and the Maine Administrative Procedures Act.
- (B) **Title III, Part D Formula.** Title III Part D funds will be allocated to AAA's on the basis of the proportion of Maine's total Part D target population (see 1 and 2 below) in the Planning and Service Area's Medically Underserved Areas (MUAs), based upon 2000 Census data.
The Medically Underserved Areas are those areas determined by the Department pursuant to 10-144 C.M.R., ch. 509.
The target population includes the uninstitutionalized population living in MUAs who are:
- (1) 65 years of age and older with a disability; plus,
 - (2) those 65 years of age and older with incomes below 100% of the federal poverty level.
- (C) **PSSP Formula.** PSSP funds will be allocated to AAA's on the basis of the proportion of the number of persons age 60 and older and below 100% of the federal poverty level in the Planning and Service Area based on 2000 Census data.